

107TH CONGRESS
2D SESSION

S. 1894

AMENDMENT

In the House of Representatives, U. S.,

September 24, 2002.

Resolved, That the bill from the Senate (S. 1894) entitled “An Act to direct the Secretary of the Interior to conduct a special resource study to determine the national significance of the Miami Circle site in the State of Florida as well as the suitability and feasibility of its inclusion in the National Park System as part of Biscayne National Park, and for other purposes”, do pass with the following

AMENDMENT:

Strike out all after the enacting clause and insert:

1 ***TITLE I—MIAMI CIRCLE SITE***
2 ***SPECIAL RESOURCE STUDY***

3 ***SEC. 101. FINDINGS AND PURPOSES.***

4 *(a) FINDINGS.—The Congress finds that—*

5 *(1) the Tequesta Indians were one of the earliest*
6 *groups to establish permanent villages in southeast*
7 *Florida;*

8 *(2) the Tequestas had one of only two North*
9 *American civilizations that thrived and developed*
10 *into a complex social chiefdom without an agricul-*
11 *tural base;*

1 (3) *the Tequesta sites that remain preserved*
 2 *today are rare;*

3 (4) *the discovery of the Miami Circle, occupied*
 4 *by the Tequesta approximately 2,000 years ago, pre-*
 5 *sents a valuable new opportunity to learn more about*
 6 *the Tequesta culture; and*

7 (5) *Biscayne National Park also contains and*
 8 *protects several prehistoric Tequesta sites.*

9 (b) *PURPOSE.*—*The purpose of this title is to direct*
 10 *the Secretary to conduct a special resource study to deter-*
 11 *mine the national significance of the Miami Circle site as*
 12 *well as the suitability and feasibility of its inclusion in the*
 13 *National Park System as part of Biscayne National Park.*

14 **SEC. 102. DEFINITIONS.**

15 *In this title:*

16 (1) *MIAMI CIRCLE.*—*The term “Miami Circle”*
 17 *means the Miami Circle archaeological site in Miami-*
 18 *Dade County, Florida.*

19 (2) *PARK.*—*The term “Park” means Biscayne*
 20 *National Park in the State of Florida.*

21 (3) *SECRETARY.*—*The term “Secretary” means*
 22 *the Secretary of the Interior, acting through the Di-*
 23 *rector of the National Park Service.*

1 **SEC. 103. SPECIAL RESOURCE STUDY.**

2 (a) *IN GENERAL.*—Not later than one year after the
3 date funds are made available, the Secretary shall conduct
4 a special resource study as described in subsection (b). In
5 conducting the study, the Secretary shall consult with the
6 appropriate American Indian tribes and other interested
7 groups and organizations.

8 (b) *COMPONENTS.*—In addition to a determination of
9 national significance, feasibility, and suitability, the spe-
10 cial resource study shall include the analysis and rec-
11 ommendations of the Secretary with respect to—

12 (1) *which, if any, particular areas of or sur-*
13 *rounding the Miami Circle should be included in the*
14 *Park;*

15 (2) *whether any additional staff, facilities, or*
16 *other resources would be necessary to administer the*
17 *Miami Circle as a unit of the Park; and*

18 (3) *any impact on the local area that would re-*
19 *sult from the inclusion of Miami Circle in the Park.*

20 (c) *REPORT.*—Not later than 30 days after completion
21 of the study, the Secretary shall submit a report describing
22 the findings and recommendations of the study to the Com-
23 mittee on Energy and Natural Resources of the Senate and
24 the Committee on Resources of the United States House of
25 Representatives.

1 (d) *AUTHORIZATION OF APPROPRIATIONS.*—*There are*
 2 *authorized to be appropriated such sums as are necessary*
 3 *to carry out this title.*

4 ***TITLE II—GATEWAY***
 5 ***COMMUNITIES COOPERATION***

6 ***SEC. 201. IMPROVED RELATIONSHIP BETWEEN FEDERAL***
 7 ***LAND MANAGERS AND GATEWAY COMMU-***
 8 ***NITIES TO SUPPORT COMPATIBLE LAND MAN-***
 9 ***AGEMENT OF BOTH FEDERAL AND ADJACENT***
 10 ***LANDS.***

11 (a) *FINDINGS.*—*The Congress finds the following:*

12 (1) *Communities that are adjacent to or near*
 13 *Federal lands, including units of the National Park*
 14 *System, units of the National Wildlife Refuge System,*
 15 *units of the National Forest System, and lands ad-*
 16 *ministered by the Bureau of Land Management, are*
 17 *vitally impacted by the management and public use*
 18 *of these Federal lands.*

19 (2) *These communities, commonly known as*
 20 *gateway communities, fulfill an integral part in the*
 21 *mission of the Federal lands by providing necessary*
 22 *services, such as schools, roads, search and rescue,*
 23 *emergency, medical, provisioning, logistical support,*
 24 *living quarters, and drinking water and sanitary sys-*

1 *tems, for both visitors to the Federal lands and em-*
2 *ployees of Federal land management agencies.*

3 *(3) Provision of these vital services by gateway*
4 *communities is an essential ingredient for a meaning-*
5 *ful and enjoyable experience by visitors to the Federal*
6 *lands because Federal land management agencies are*
7 *unable to provide, or are prevented from providing,*
8 *these services.*

9 *(4) Gateway communities serve as an entry*
10 *point for persons who visit the Federal lands and are*
11 *ideal for establishment of visitor services, including*
12 *lodging, food service, fuel and auto repairs, emergency*
13 *services, and visitor information.*

14 *(5) Development in these gateway communities*
15 *affect the management and protection of these Federal*
16 *lands, depending on the extent to which advance*
17 *planning for the local development is coordinated be-*
18 *tween the communities and Federal land managers.*

19 *(6) The planning and management decisions of*
20 *Federal land managers can have unintended con-*
21 *sequences for gateway communities and the Federal*
22 *lands, when the decisions are not adequately commu-*
23 *nicated to, or coordinated with, the elected officials*
24 *and residents of gateway communities.*

1 (7) *Experts in land management planning are*
 2 *available to Federal land managers, but persons with*
 3 *technical planning skills are often not readily avail-*
 4 *able to gateway communities, particularly small gate-*
 5 *way communities.*

6 (8) *Gateway communities are often affected by*
 7 *the policies and actions of several Federal land agen-*
 8 *cies and both the communities and the agencies would*
 9 *benefit from greater interagency coordination of those*
 10 *policies and actions.*

11 (9) *Persuading gateway communities to make*
 12 *decisions and undertake actions in their communities*
 13 *that would also be in the best interest of the Federal*
 14 *lands is most likely to occur when such decision-*
 15 *making and actions are built upon a foundation of*
 16 *cooperation and coordination.*

17 (b) *PURPOSE.—It is the purpose of this title to require*
 18 *Federal land managers to communicate, coordinate, and co-*
 19 *operate with gateway communities in order to—*

20 (1) *improve the relationships among Federal*
 21 *land managers, elected officials, and residents of gate-*
 22 *way communities;*

23 (2) *enhance the facilities and services in gateway*
 24 *communities available to visitors to Federal lands,*

1 *when compatible with the management of these lands;*
 2 *and*

3 *(3) result in better local land use planning and*
 4 *decisions by Federal land managers.*

5 *(c) DEFINITIONS.—In this section:*

6 *(1) GATEWAY COMMUNITY.—The term “gateway*
 7 *community” means a county, city, town, village, or*
 8 *other subdivision of a State, or a federally recognized*
 9 *American Indian tribe or Alaska Native village,*
 10 *that—*

11 *(A) is incorporated or recognized in a coun-*
 12 *ty or regional land use plan; and*

13 *(B) a Federal land manager (or the head of*
 14 *the tourism office for the State) determines is*
 15 *significantly affected economically, socially, or*
 16 *environmentally by planning and management*
 17 *decisions regarding Federal lands administered*
 18 *by that Federal land manager.*

19 *(2) FEDERAL LAND AGENCIES.—The term “Fed-*
 20 *eral land agencies” means the National Park Service,*
 21 *United States Forest Service, United States Fish and*
 22 *Wildlife Service, and the Bureau of Land Manage-*
 23 *ment.*

24 *(3) FEDERAL LAND MANAGER.—The term “Fed-*
 25 *eral land manager” means—*

1 (A) the superintendent of a unit of the Na-
2 tional Park System;

3 (B) the manager of a national wildlife ref-
4 uge;

5 (C) the field office manager of a Bureau of
6 Land Management area; or

7 (D) the supervisor of a unit of the National
8 Forest System.

9 (d) *PARTICIPATION IN FEDERAL PLANNING AND LAND*
10 *USE.*—

11 (1) *PARTICIPATION IN PLANNING.*—*The Federal*
12 *land agencies shall provide for meaningful public in-*
13 *volvement at the earliest possible time by elected and*
14 *appointed officials of governments of local gateway*
15 *communities in the development of land use plans,*
16 *programs, land use regulations, land use decisions,*
17 *transportation plans, general management plans, and*
18 *any other plans, decisions, projects, or policies for*
19 *Federal public lands under the jurisdiction of these*
20 *agencies that will have a significant impact on these*
21 *gateway communities. To facilitate such involvement,*
22 *the Federal land agencies shall provide these officials,*
23 *at the earliest possible time, with a summary in non-*
24 *technical language of the assumptions, purposes,*
25 *goals, and objectives of such a plan, decision, project,*

1 *or policy and a description of any anticipated sig-*
 2 *nificant impact of the plan, decision, or policy on*
 3 *gateway communities.*

4 (2) *EARLY NOTICE OF PROPOSED DECISIONS.—*

5 *To the extent practicable, the Federal land agencies*
 6 *shall provide local gateway communities with early*
 7 *public notice of proposed decisions of these agencies*
 8 *that may have a significant impact on gateway com-*
 9 *munities.*

10 (3) *TRAINING SESSIONS.—The Federal land*

11 *agencies shall offer training sessions for elected and*
 12 *appointed officials of gateway communities at which*
 13 *such officials can obtain a better understanding of—*

14 (A) *agency planning processes; and*

15 (B) *the methods by which they can partici-*
 16 *pate most meaningfully in the development of the*
 17 *agency plans, decisions, and policies referred to*
 18 *in paragraph (1).*

19 (4) *TECHNICAL ASSISTANCE.—At the request of*

20 *the government of a gateway community, a Federal*
 21 *land agency shall assign, to the extent practicable, an*
 22 *agency employee or contractor to work with the com-*
 23 *munity to develop data and analysis relevant to the*
 24 *preparation of agency plans, decisions, and policies*
 25 *referred to in paragraph (1).*

1 (5) *REVIEW OF FEDERAL LAND MANAGEMENT*
 2 *PLANNING.*—*At the request of a gateway community,*
 3 *and to the extent practicable, a Federal land manager*
 4 *shall assist the gateway community to conduct a re-*
 5 *view of land use, management, or transportation*
 6 *plans of the Federal land manager likely to affect the*
 7 *gateway community.*

8 (6) *COORDINATION OF LAND USE.*—*To the extent*
 9 *consistent with the laws governing the administration*
 10 *of the Federal public lands, a Federal land manager*
 11 *may enter into a cooperative agreement with a gate-*
 12 *way community to provide for coordination*
 13 *between—*

14 (A) *the land use inventory, planning, and*
 15 *management activities for the Federal lands ad-*
 16 *ministered by the Federal land manager; and*

17 (B) *the land use planning and management*
 18 *activities of other Federal agencies, agencies of*
 19 *the State in which the Federal lands are located,*
 20 *and local and tribal governments in the vicinity*
 21 *of the Federal lands.*

22 (7) *INTERAGENCY COOPERATION AND COORDINA-*
 23 *TION.*—*To the extent practicable, when the plans and*
 24 *activities of two or more Federal land agencies are*
 25 *anticipated to have a significant impact on a gate-*

1 way community, the Federal land agencies involved
 2 shall consolidate and coordinate their plans and plan-
 3 ning processes to facilitate the participation of the
 4 gateway community in the planning processes.

5 (8) *TREATMENT AS COOPERATING AGENCIES.*—

6 When a proposed action is determined to require the
 7 preparation of an environmental impact statement,
 8 the Federal land agencies shall, as soon as prac-
 9 ticable, but not later than the scoping process, ac-
 10 tively solicit the participation of gateway commu-
 11 nities as cooperating agencies under the National En-
 12 vironmental Policy Act of 1969 (42 U.S.C. 4321 *et*
 13 *seq.*).

14 (e) *GRANTS TO ASSIST GATEWAY COMMUNITIES.*—

15 (1) *GRANTS AUTHORIZED; PURPOSES.*—A Fed-
 16 eral land manager may make grants to an eligible
 17 gateway community to enable the gateway
 18 community—

19 (A) to participate in Federal land planning
 20 or management processes;

21 (B) to obtain professional land use or trans-
 22 portation planning assistance necessary as a re-
 23 sult of Federal action;

24 (C) to address and resolve public infrastruc-
 25 ture impacts that are identified through these

processes as a likely result of the Federal land management decisions and for which sufficient funds are not otherwise available; and

(D) to provide public information and interpretive services about the Federal lands administered by the Federal land manager and the gateway community.

(2) *ELIGIBLE GATEWAY COMMUNITIES.*—To be eligible for a grant under this subsection, a gateway community may not have a population in excess of 10,000 persons.

(f) *FUNDING SOURCES.*—

(1) *GENERAL AGENCY FUNDS.*—A Federal land agency may use amounts available for the general operation of the agency to provide funds to Federal land managers of that agency to make grants under subsection (e).

(2) *OTHER PLANNING OR PROJECT DEVELOPMENT FUNDS.*—Funds available to a Federal land manager for planning, construction, or project development may also be used to fund programs under subsection (d) and make grants under subsection (e).

(3) *COMBINATION OF FUNDS.*—Federal land managers from different Federal land agencies may

1 *combine financial resources to make grants under*
 2 *subsection (e).*

3 ***TITLE III—MOUNT NEBO WIL-***
 4 ***DERNESS BOUNDARY AD-***
 5 ***JUSTMENTS***

6 ***SEC. 301. BOUNDARY ADJUSTMENTS, MOUNT NEBO WIL-***
 7 ***DERNESS, UTAH.***

8 *(a) LANDS REMOVED.—The boundary of the Mount*
 9 *Nebo Wilderness is adjusted to exclude the following:*

10 *(1) MONUMENT SPRINGS.—The approximately*
 11 *8.4 acres of land depicted on the Map as “Monument*
 12 *Springs”.*

13 *(2) GARDNER CANYON.—The approximately*
 14 *177.8 acres of land depicted on the Map as “Gardner*
 15 *Canyon”.*

16 *(3) BIRCH CREEK.—The approximately 5.0 acres*
 17 *of land depicted on the Map as “Birch Creek”.*

18 *(4) INGRAM CANYON.—The approximately 15.4*
 19 *acres of land depicted on the Map as “Ingram Can-*
 20 *yon”.*

21 *(5) WILLOW NORTH A.—The approximately 3.4*
 22 *acres of land depicted on the Map as “Willow North*
 23 *A”.*

1 (6) *WILLOW NORTH B.*—*The approximately 6.6*
 2 *acres of land depicted on the Map as “Willow North*
 3 *B”.*

4 (7) *WILLOW SOUTH.*—*The approximately 21.5*
 5 *acres of land depicted on the Map as “Willow South”.*

6 (8) *MENDENHALL CANYON.*—*The approximately*
 7 *9.8 acres of land depicted on the Map as “Mendenhall*
 8 *Canyon”.*

9 (9) *WASH CANYON.*—*The approximately 31.4*
 10 *acres of land depicted on the Map as “Wash Canyon”.*

11 (b) *LANDS ADDED.*—*Subject to valid existing rights,*
 12 *the boundary of the Mount Nebo Wilderness is adjusted to*
 13 *include the approximately 293.2 acres of land depicted on*
 14 *the Map for addition to the Mount Nebo Wilderness. The*
 15 *Utah Wilderness Act of 1984 (Public Law 94–428) shall*
 16 *apply to the land added to the Mount Nebo Wilderness pur-*
 17 *suant to this subsection.*

18 **SEC. 302. MAP.**

19 (a) *DEFINITION.*—*In this title, the term “Map” means*
 20 *the map entitled “Mt. Nebo Wilderness Boundary Adjust-*
 21 *ment”, numbered 531, and dated May 29, 2001.*

22 (b) *MAP ON FILE.*—*The Map and the final document*
 23 *entitled “Mount Nebo, Proposed Boundary Adjustments,*
 24 *Parcel Descriptions (See Map #531)” and dated June 4,*
 25 *2001, shall be on file and available for inspection in the*

1 *office of the Chief of the Forest Service, Department of Agri-*
 2 *culture.*

3 (c) *CORRECTIONS.—The Secretary of Agriculture may*
 4 *make technical corrections to the Map.*

5 **SEC. 303. TECHNICAL BOUNDARY ADJUSTMENT.**

6 *The boundary of the Mount Nebo Wilderness is ad-*
 7 *justed to exclude the approximately 21.26 acres of private*
 8 *property located in Andrews Canyon, Utah, and depicted*
 9 *on the Map as “Dale”.*

10 **TITLE IV—BAINBRIDGE ISLAND**
 11 **JAPANESE-AMERICAN MEMO-**
 12 **RIAL SPECIAL RESOURCE**
 13 **STUDY**

14 **SEC. 401. FINDINGS.**

15 *The Congress finds the following:*

16 (1) *During World War II on February 19, 1942,*
 17 *President Franklin Delano Roosevelt signed Executive*
 18 *Order 9066, setting in motion the forced exile of more*
 19 *than 110,000 Japanese Americans.*

20 (2) *In Washington State, 12,892 men, women*
 21 *and children of Japanese ancestry experienced three*
 22 *years of incarceration, an incarceration violating the*
 23 *most basic freedoms of American citizens.*

24 (3) *On March 30, 1942, 227 Bainbridge Island*
 25 *residents were the first Japanese Americans in United*

1 *States history to be forcibly removed from their homes*
 2 *by the U.S. Army and sent to internment camps.*
 3 *They boarded the ferry Kehloken from the former*
 4 *Eagledale Ferry Dock, located at the end of Taylor*
 5 *Avenue, in the city of Bainbridge Island, Washington*
 6 *State.*

7 *(4) The city of Bainbridge Island has adopted a*
 8 *resolution stating that this site should be a National*
 9 *Memorial, and similar resolutions have been intro-*
 10 *duced in the Washington State Legislature.*

11 *(5) Both the Minidoka National Monument and*
 12 *Manzanar National Historic Site can clearly tell the*
 13 *story of a time in our Nation's history when constitu-*
 14 *tional rights were ignored. These camps by design*
 15 *were placed in very remote places and are not easily*
 16 *accessible. Bainbridge Island is a short ferry ride*
 17 *from Seattle and the site would be within easy reach*
 18 *of many more people.*

19 *(6) This is a unique opportunity to create a site*
 20 *that will honor those who suffered, cherish the friends*
 21 *and community who stood beside them and welcomed*
 22 *them home, and inspire all to stand firm in the event*
 23 *our Nation again succumbs to similar fears.*

24 *(7) The site should be recognized by the National*
 25 *Park Service based on its high degree of national sig-*

1 *nificance, association with significant events, and in-*
 2 *tegrity of its location and setting. This site is critical*
 3 *as an anchor for future efforts to identify, interpret,*
 4 *serve, and ultimately honor the Nikkei- persons of*
 5 *Japanese ancestry- influence on Bainbridge Island.*

6 **SEC. 402. EAGLEDALE FERRY DOCK LOCATION AT TAYLOR**
 7 **AVENUE STUDY AND REPORT.**

8 (a) *STUDY.*—*The Secretary of the Interior shall carry*
 9 *out a special resource study regarding the national signifi-*
 10 *cance, suitability, and feasibility of designating as a unit*
 11 *of the National Park System the property commonly known*
 12 *as the Eagledale Ferry Dock at Taylor Avenue and the his-*
 13 *torical events associated with it, located in the town of*
 14 *Bainbridge Island, Kitsap County, Washington.*

15 (b) *REPORT.*—*Not later than 1 year after funds are*
 16 *first made available for the study under subsection (a), the*
 17 *Secretary of the Interior shall submit to the Committee on*
 18 *Resources of the House of Representatives and the Com-*
 19 *mittee on Energy and Natural Resources of the Senate a*
 20 *report describing the findings, conclusions, and rec-*
 21 *ommendations of the study.*

22 (c) *REQUIREMENTS FOR STUDY.*—*Except as otherwise*
 23 *provided in this section, the study under subsection (a) shall*

- 1 *be conducted in accordance with section 8(c) of Public Law*
- 2 *91-383 (16 U.S.C. 1a-5(c)).*

Attest:

Clerk.